

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 27, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Mary Moe (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 184, 1/18/2017; HB 111, 1/19/2017; SB 98 1/19/2017
Executive Action: SB 64-Do Pass As Amended, SB 113-Do Pass,
SB 117-Do Pass-Motion Withdrawn,
SB 118-Do Pass As Amended, SB 123-Do Pass

00:00:32 Chairman Regier

HEARING ON HB 111

Opening Statement by Sponsor:

00:01:04 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 111, Revising laws related to minor in possession data.

Proponents' Testimony:

00:02:59 Lisa Mader, information technologist, Montana Supreme Court (MSC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:04:48 Chairman Regier

00:04:59 Ms. Mader, MSC

Closing by Sponsor:

00:05:49 Rep. Lynch

HEARING ON SB 98

Opening Statement by Sponsor:

00:06:31 Sen. Cary Smith (R), SD 27, opened the hearing on SB 98, Establish property ownership fairness act.

Proponents' Testimony:

00:11:43 Chuck Denowh, United Property Owners of Montana (UPOM)

00:20:30 Abigail St. Lawrence, Montana Building Industry Association

00:21:44 David Herbst, state director, Americans For Prosperity/Montana

Opponents' Testimony:

00:24:56 Kelly Lynch, deputy director and legal counsel, Montana League of Cities and Towns (MLCT)

00:42:23 Tara DePuy, Montana Association of Counties (MACo); Property and Casualty Trust

EXHIBIT(jus20a01)

00:50:05 Adam Haight, Northern Plains Resource Council
 00:50:29 Dave Ohler, chief legal counsel, Montana Department of Transportation
 00:58:22 Nadine Nadow, Montana Environmental Information Center
 00:59:04 Jeff Barber, Montana Association of Planners; Montana Smart Growth Coalition;
 Clark Fork Coalition,
 00:59:26 Amy Seaman, Montana Audubon
 01:00:10 Brian Ohs, Montana Trout Unlimited (MTU)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:01:28 Sen. Moe
 01:01:47 Ms. Lynch, MLCT
 01:01:50 Sen. Gross
 01:02:32 Ms. Lynch
 01:02:58 Sen. Fielder
 01:03:27 Mr. Denowh, UPOM
 01:06:19 Sen. MacDonald
 01:07:01 Ms. Lynch
 01:07:43 Sen. Hinkle
 01:08:06 Mr. Ohs, MTU
 01:10:15 Sen. Hinkle
 01:10:31 Mr. Denowh
 01:11:01 Sen. Hinebauch
 01:11:36 Mr. Denowh
 01:12:11 Sen. Gross
 01:13:15 Ms. Depuy, MACo
 01:13:25 Ms. Lynch
 01:13:58 Sen. Sands
 01:14:50 Sen. Smith
 01:21:54 Sen. MacDonald
 01:22:48 Ms. DePuy
 01:24:06 Sen. Hinkle
 01:24:54 Sen. Smith
 01:26:50 Chairman Regier
 01:26:59 Mr. Denowh
 01:27:25 Chairman Regier
 01:27:29 Ms. Lynch

Closing by Sponsor:

01:29:21 Sen. Smith

HEARING ON HB 184

Opening Statement by Sponsor:

01:37:29 Rep. Frank Garner (R), HD 7, opened the hearing on HB 184, Revise health care practitioner gun shot reporting requirement laws.

Proponents' Testimony:

01:39:47 Mike Foster, Sisters of Charity Leavenworth Health Systems (SCLHS); Billings Clinic

[EXHIBIT\(jus20a02\)](#)

01:42:27 Joyce Dombrowski, chief nursing officer, St. Patrick's Hospital, Missoula

01:42:57 Greg Dorrington, Montana Medical Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:44:05 Chairman Regier

01:44:14 Mr. Foster, SCLHS

01:46:00 Sen. Moe

01:46:27 Rep. Garner

01:48:08 Sen. Swandal

01:48:22 Rep. Garner

Closing by Sponsor:

01:48:43 Rep. Garner

01:49:13 Brief Recess

02:05:38 Reconvene

EXECUTIVE ACTION ON SB 64

02:05:57 **Motion:** Sen. Fielder moved that **SB 64 DO PASS**.

02:08:32 **Motion/Vote:** Sen. Swandal moved that **SB 64 BE AMENDED**. Motion carried unanimously by voice vote.

[EXHIBIT\(jus20a03\)](#)

02:09:46 **Motion:** Sen. Fielder moved that **SB 64 DO PASS AS AMENDED.**

02:09:54 **Motion/Vote:** Sen. Swandal moved that **SB 64 BE AMENDED.** Motion carried unanimously by voice vote.

EXHIBIT(jus20a04)

02:10:40 Sen. Fielder

02:10:49 **Motion:** Sen. Swandal moved that **SB 64 BE AMENDED.**

EXHIBIT(jus20a05)

Discussion:

02:11:12 Julianne Burkhardt, Legislative Services Division

02:11:33 Sen. Moe

02:11:54 **Vote:** Motion carried unanimously by voice vote.

Discussion:

02:12:07 Sen. Fielder

02:12:26 Sen. Sales

02:13:57 Sen. Sands

02:14:31 Sen. MacDonald

02:15:27 Sen. Gross

02:15:49 Chairman Regier

02:16:04 **Motion/Vote:** Sen. Fielder moved that **SB 64 DO PASS AS AMENDED.** Motion carried 9-2 by roll call vote with Sen. S. Sales and Sen. Vincent voting no.

EXECUTIVE ACTION ON SB 113

02:16:50 **Motion:** Sen. Fielder moved that **SB 113 DO PASS.**

Discussion:

02:17:20 Sen. Moe

02:18:38 Sen. Fielder

02:19:40 Chairman Regier

02:19:59 Sen. Sands

02:21:19 Chairman Regier

02:21:34 Sen. Gross

02:22:25 **Vote:** Motion carried 7-4 by roll call vote with Sen. Gross, Sen. MacDonald, Sen. Moe and Sen. S. Sales voting no.

EXECUTIVE ACTION ON SB 117

02:23:22 **Motion:** Sen. Fielder moved that **SB 117 DO PASS.**

Discussion:

02:23:36 Chairman Regier
 02:23:54 Sen. Vincent
 02:24:42 Julianne Burkhardt, Legislative Services Division (LSD)
 02:25:04 Sen. Gross
 02:27:01 Sen. Sands
 02:27:59 Ms. Burkhardt, LSD
 02:28:55 Sen. Swandal

02:29:03 Without objection, Sen. Fielder withdrew the DO PASS motion.

EXECUTIVE ACTION ON SB 118

02:29:31 **Motion:** Sen. Fielder moved that **SB 118 DO PASS.**

02:31:06 **Motion:** Sen. K. Regier moved that **SB 118 BE AMENDED.**
[EXHIBIT\(jus20a06\)](#)

Discussion:

02:31:17 Julianne Burkhardt, Legislative Services Division
 02:31:39 **Vote:** Motion carried unanimously by voice vote.
 02:31:51 **Motion:** Sen. Fielder moved that **SB 118 DO PASS AS AMENDED.**

Discussion:

02:32:00 Sen. Swandal
 02:32:40 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 123

02:33:10 **Motion:** Sen. Swandal moved that **SB 123 DO PASS.**

Discussion:

02:33:39 Sen. Sales
 02:33:53 Without objection, Sen. Swandal withdrew the DO PASS motion.
 02:34:20 Sen. Sales
 02:35:50 Chairman Regier
 02:35:58 Sen. Sales

02:36:22 Sen. Swandal
02:37:38 Sen. MacDonald
02:38:20 Sen. Sands

02:39:16 **Motion:** Sen. Swandal moved that **SB 123 DO PASS.**

Discussion:

02:39:21 Chairman Regier
02:39:50 Sen. Moe
02:41:23 Sen. Sales
02:42:44 Chairman Regier
02:42:49 Sen. Sands
02:43:13 Sen. Vincent
02:44:05 Sen. Gross
02:44:21 Chairman Regier

02:44:33 **Vote:** Motion carried 10-1 by roll call vote with Sen. Hinebauch voting no.

02:45:09 Chairman Regier
02:45:38 Sen. Moe

ADJOURNMENT

Adjournment: 10:47 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus20aad.pdf](#))